

C. P. Residencial Don Juan Fase I

ACTS OF THE EXTRAORDINARY MEETING OF THE COMMUNITY OF OWNERS "RESIDENCIAL DON JUAN FASE 1" IN FUENGIROLA. CELEBRATED ON THE 2ND OF MAY 2009 AT 11.00 AM HELD AT THE FLATOTEL, BENALMADENA COSTA, PRESIDED BY D. JOSE BERMUDEZ AND ASSISTED BY GICS SL, AS ADMINISTRATOR.

Before the start of the meeting the board cleared some points in regards to the call for the reunion. A group of neighbours (determined as "Worried Owners") called for a Extra Ordinary meeting to the President of the Community under article 16.1 of the LPH. Once signatures were verified, it was found there were signatures of tenants and, signatures were requested anew to be able to complete the quorum necessary to convoke the said meeting. Mr. Fremer Huijgen (Max) confirmed the signers knew the 9 points raised and the Order of the Day, (document shown to all present). Nevertheless some of signers contacted the Administration by mail requesting the withdrawal of their name, alleging not being informed of the points or intentions. Mr. Huijgen affirmed later that the meeting was not legal, because the committee changed the order of the agenda. This deed was consulted with the lawyers firm (Cyclos) of Mr. Huijgen and Mrs. Dominguez (Toni), with Mrs. Cristina Lopez Rojas who responded by fax acknowledging the meeting was legal. Intervening Mr. Huijgen alleged he did not know the said lawyer even though the said lawyer contacted the Administration as representing Mr. Huijgen and Mrs Dominguez and large number of neighbours affected.

The Board of Directors had the option to call the meeting, even though the names of owners had been used in an abnormal way or denounce this presumed manipulation and opportunism. They choose the first option on the basis of transparency and daily living between neighbours.

Mr. Juan Fernandez who stated that on the day solicited the withdrawal of his signature from the other "convocatoria" in the month of March and of the "Worried Owners" his petition was not respected, and once again requests his name be withdrawn as petitioner of the Extraordinary Meeting, and his person has nothing more to do with it, it is understood it is a small group of neighbours against the Board of Directors.

This same neighbor explained that in an informal reunion with a representation of the "Worried Neighbours" that took place last March to clear 5 themes of the order of the day, requested the withdrawal of his signature, and instead of removing it, it was maintained against his will, and should not have been done.

A letter of another neighbor is shown to the members who accuses one of the "Worried Neighbours" of lying to him at the moment of collecting signatures, and was told that the signature was to convoke an informative meeting and was never shown the 9 points of the "convocatoria". The same is manifested by other neighbours, between them and the previous president of the community by letter to the Administration the letter is shown. At this moment Antonia Dominguez speaks and says that at this meeting has been raised at a petition of more than 50 neighbours, Mr. Javier Castro replies that this is not true and asks how many neighbours are behind this matter, and she replied that almost all the community was behind it. Mr. Javier Castro again insists and says that he did not understand the attitude of the "Worried Owners" and did not know what they meant. Once again asks for the neighbours who are behind these matters and comments that it be clear by the end of the meeting because it is only a few.

1. Reading and approval of the previous Acts. l

All present acknowledge receiving a copy of the last Acts, This is approved by all present, except the vote by Mrs. Antonia Dominguez but who is not in agreement with one of the points but would not state which point, but informs to go by legal channels.

2. General Information from the Board of Directors. h

The board of directors inform of the principal works realized since their election, making it clear that all their decisions have been made by consulting all members, and in a unanimous form, and always assisted by Legal, Administrative and Technical personnel.

Apart from the economic and adverse weather situations of the winter which have impeded works of gardening, but have proceeded to replant 3 ecological walls, lay soil and grass seed in the two pool areas.

The board of directors has started legal action against debtors in the community and proceedings via the legal system.

The bank account has changed, because of excessive commissions, exaggerated blocking, and indiscretion by Caixa Galicia including claims from the bank of Spain to Caixa Galicia. The Watering of phase 1 and 2 have been made independent, this way phase 2 will not use the water of phase 1. The lighting of phase 1 and 2 is also now independent, during 14 months we were paying phase 1 and 2.

The land of the water tank, the well, and land situated south of block 5 which the promoter had incorporated for pool area for phase 2 had all been established as Phase 1 property.

The board of directors has maintained diverse meetings with the Town Hall, Lawyers, surveyors, Municipal architects, service companies and with a representation of the "worried owners". We have taken out mobile phone contracts for the elevators which previously only had pay as you go phones.

The security of the Development has been improved by installing locks on the access doors to the garages and spot lights have been installed in zones of deficient lighting.

Apart from all this there has been received criticism, insults, and attacks from neighbours principally via internet and letters publicly exhibited.

Mr. Munster Speaks: A written letter which had been placed on notice boards of the blocks and information booth days previous to this meeting, demonstrating paragraph by paragraph stating total untruths. Mentioning this letter is signed by Mr. Enrique Rodriguez, Mr. Fremer Huijgen(Max) and more than 50 "worried neighbours". Mr. Rodriguez comments that he did not sign the letter even though his name and apartment number appear at the bottom, and his only act was to translate. Mr. Van Venrooy comments that it is not ethical to use an alternative e-mail (vecinos donjuan@hotmail.com) as a form of information, in the first place correct information is to be found at the administration offices, in the information booth which the administrator is at 2 or 3 times a week or in e-mails that the board of directors has sent since last November, and in second place auto denomination of vecinos don juan implicates other neighbours who are never in agreement will be able to represent themselves in this way.

Because of this situation Mr. Munster and Mrs. Labrador in Spanish make it clear that although the Board has no desire to take legal action against neighbours they reserve this right to do so if the false accusations continue.

They request that neighbours get in contact with the board of directors or administration about what ever doubts that they may have so that they may be resolved or if they have a suggestion so that it may be considered. All these steps should be taken before a situation like this repeats itself.

3. In Base of Article 16.2 Neighbours petitions: CORREO (POST).

Explanation of the situation with Correos. The installation of new mail boxes in Calle Sierra de Cazorla (Quotation approximately 18 thousand euros) Approval of quotation and extra quota.

We inform once again that we count on the promise of Correo to distribute when the correspondence (even though the access road is not very good) when the mail boxes apply with regulations. This carries a high cost even though according to building law the promoter should cover these costs. The said cost will be annexed by legally claiming against Arrohabitatge for defects in the construction.

It will need a large area to place the mailboxes unified on the north wall of block 2 in case of size and the LPH permits it.

Some people present commented on the possibility of making a claim to Correos, but remember apart from it being slow, but if there is any damage because the mail boxes are not in place it could be the community held responsible, also the problem is the placing of the mail boxes and their order of layout is not correct.

Mr. Pastor commented that another possibility could be to advise the owner one by one, to ask for written permission to dismount their mail boxes. The administration realizes it could be more economic, this process could take a long time, and taking into account that some owners have not yet been located, and legal demands for debts outstanding.

Finally to show quotations. Mrs Dominguez provided a more economic quote, but some people present noted that the mail box shown as a sample seemed to be a type used in interiors, something that Mrs. Dominguez denied. At the close of this act the company who provided this quote to Mrs. Dominguez was contacted and it was confirmed that the mail boxes were for interior and were more economic and that the price of exterior would hence increase the quotation, and was explained to Mrs. Toni at the time, and had made a new quotation. Mr Donovan proposed that the meeting should delegate the decision on the best option, price, quality etc to the committee considering it should be built to last. It was agreed and proceeded to vote remembering the higher quotation will be attached to the acts and approving installation 99 votes in favour and 8 against (see vote 2)

4. Base of Article 16.2 LPH the petition of owners: Access to the complex and telephone lines.

Giving explication of the actual situation and necessary measures.

It is commented that the theme about the access is in a similar situation as in the last assembly where it was explained. Never the less there has been a meeting with the Town Hall and its councilor and municipal architect. Mrs Mula replied in writing to administration (and projected in the meeting) the urban councilor manifested that they are maintaining meeting between Adif and the Town Hall and are getting nearer agreement. The board has presented claims to the Town Hall for the bad state of both accesses and the lack of lighting on them.

In respect of Telefonica lines and the parallel actions taken by Mr. Melero and the Board of Directors it is clear from letter received that the arrival of the line is subject to the build of the Boulevard and the demand for lines and ADSL that Telefonica receive.

5. Base of Article 16.2 LPH The petition of owners: Revision and State of Accounts 2009

The box shows expenses and income in the first months of the year: (See spanish minute

The security of the development has been improved by installing locks on the access doors and spotlights have been installed in zones of deficient lighting.

Apart from all this there has been received criticism, insults, and attacks from neighbours principally via internet and letters publicly exhibited.

Mr. Munster Speaks: A written letter which had been placed on notice boards of the blocks and information booth days previous to this meeting, demonstrating paragraph by paragraph stating total untruths. Mentioning this letter is signed by Mr. Enrique Rodriguez, Mr. Fremer Huijgen(Max) and more than 50 "worried neighbours". Mr. Rodriguez comments that he did not sign the letter even though his name and apartment number appear at the bottom, and his only act was to translate. Mr. Van Venrooy comments that it is not ethical to use an alternative e-mail (vecinos donjuan@hotmail.com) as a form of information, in the first place correct information is to be found at the administration offices, in the information booth which the administrator is at 2 or 3 times a week or in e-mails that the board of directors has sent since last November, and in second place auto denomination of vecinos don juan implicates other neighbours who are never in agreement will be able to represent themselves in this way.

Because of this situation Mr. Munster and Mrs. Labrador in Spanish make it clear that although the Board has no desire to take legal action against neighbours they reserve this right to do so if the false accusations continue.

They request that neighbours get in contact with the board of directors or administration about what ever doubts that they may have so that they may be resolved or if they have a suggestion so that it may be considered. All these steps should be taken before a situation like this repeats itself.

3. In Base of Article 16.2 Neighbours petitions: CORREO (POST).

Explanation of the situation with Correos. The installation of new mail boxes in Calle Sierra de Cazorla (Quotation approximately 18 thousand euros) Approval of quotation and extra quota.

We inform once again that we count on the promise of Correo to distribute when the correspondence (even though the access road is not very good) when the mail boxes apply with regulations. This carries a high cost even though according to building law the promoter should cover these costs. The said cost will be annexed by legally claiming against Arrohabitatge for defects in the construction.

It will need a large area to place the mailboxes unified on the north wall of block 2 in case of size and the LPH permits it.

Some people present commented on the possibility of making a claim to Correos, but remember apart from it being slow, but if there is any damage because the mail boxes are not in place it could be the community held responsible, also the problem is the placing of the mail boxes and their order of layout is not correct.

Mr. Pastor commented that another possibility could be to advise the owner one by one, to ask for written permission to dismount their mail boxes. The administration realizes it could be more economic, this process could take a long time, and taking into account that some owners have not yet been located, and legal demands for debts outstanding.

Finally to show quotations. Mrs Dominguez provided a more economic quote, but some people present noted that the mail box shown as a sample seemed to be a type used in interiors, something that Mrs. Dominguez denied. At the close of this act the company who provided this quote to Mrs. Dominguez was contacted and it was confirmed that the mail boxes were for interior and were more economic and that the price of exterior would hence increase the quotation, and was explained to Mrs. Toni at the time, and had made a new quotation. Mr Donovan proposed that the meeting should delegate the decision on the best option, price, quality etc to the committee considering it should be built to last. It was agreed and proceeded to vote remembering the higher quotation will be attached to the acts and approving installation 99 votes in favour and 8 against (see vote 2)

4. Base of Article 16.2 LPH the petition of owners: Access to the complex and telephone lines.

Giving explication of the actual situation and necessary measures.

It is commented that the theme about the access is in a similar situation as in the last assembly where it was explained. Never the less there has been a meeting with the Town Hall and its councilor and municipal architect. Mrs Mula replied in writing to administration (and projected in the meeting) the urban councilor manifested that they are maintaining meeting between Adif and the Town Hall and are getting nearer agreement. The board has presented claims to the Town Hall for the bad state of both accesses and the lack of lighting on them.

In respect of Telefonica lines and the parallel actions taken by Mr. Melero and the Board of Directors it is clear from letter received that the arrival of the line is subject to the build of the Boulevard and the demand for lines and ADSL that Telefonica receive.

5. Base of Article 16.2 LPH The petition of owners: Revision and State of Accounts 2009

The box shows expenses and income in the first months of the year: (See spanish minute

With respect speaks Mr. Francisco Porras, about the company Jarandaluz, and manifests that he will not allow the accusation that they have been lied to like it suggests on the mentions letter hung on the notice boards that Mr. Munster referred to, they work by quotation and can provide all explications, invoices and receipts needed. In respect of the letter which refers to the cost of the movement of the sensors to be excessive, clears the this information is not correct, there is the price of the sensor also to add the lamps. Detectors, screens, wire and labor and. Commented that the quotation was for a complete job for 10 blocks, and not just the payment for 10 sensors like it has been suggested by "worried owners".

Mr. Huijgen (Max) and his wife speak, Saskie gives out to people present a project of quotations Max speaks and his wife, Saskia, gives out to people present a project of budget. He proposed that the meeting be adjourned so that people had time to study the budget. The moderator reminded him that in the agenda that he himself proposed this point was not included and we have to follow the agenda. In future meeting we will see this and other budgets.

6. Base of Article 16.2 LPH The petition of owners: Security of the urbanization.

Some owners have manifested their criteria that the complex should have security and it would be decided in the assembly. The Board informs that new invoice like water (more than 11,000 euros) or electricity (more then 7,000 euros) that they had to pay expenses by priority, and also that the Board did not remove the security, but was removed for lack of payment by the previous Board. Nevertheless in the expenses a lot has been spent on security above all on locks receptors ,lighting etc. It seems clear that the previous company did not comply with the minimum needs of security and the proof is in the work sheets that are still maintained. To contract a competent security service the quotation would double the actually approved quote. Voting proceeds and re-contracting security is dismissed 15 in favor 80 against and 5 abstain(see vote 3).

7. Base of Article 16.2 LPH The petition of owners: Actual state of pools and use of water deposit.

Explanation of the situation and approval of necessary measures.

The childrens pool the "gresite" has all been substituted and is pending to place a chlorine dispenser. The pool situated between blocks 8 and 10 should be fixed due to a problem related to a pump, the repairs are due for may(at the close of acts it will be fixed and open).

The pool situated between blocks 6 and 7 have two problems: One, there is a leak in the filter system. The board of Directors are especially interested to open the pool this summer with the corresponding visa from Health, something that last year could not be.

Respect and use of Water Deposit:

It is working but pending the installation of a chlorine distributor. Also they have obtained the quotations for annual maintenance "homologado".

We receive information from some owners that comment that Mr.Gijon (Director of Gestagua) had manifested in e meeting between the Town Hall, Board of Directors and the Promotor, he made an important offer to share the use of the Water Deposit. The administration commented that Mr. Enrique Rodriguez consulted this further with Inma, a member of the administration in a direct manner and asked explanations but sadly did not do this until the night before this meeting, while some other owner had been extending gossip door to door mentioning amounts of up to 15.000€ without any proof of this. The administration shows an e-mail sent by the urban council in which it makes clear that this meeting never took place. Directly we sent an e-mail to Mr.Gijon to clear the matter.

<<as of today in this act Mr.Gijon has denied this matter in writing and in person.

Again to manifest that the "Worried Neighbours" have not made use of the normal sources requesting information.

8. Base of Article 16.2 LPH The petition of owners: Cleaning service (actual situation/ending of contract and clearing point 4B of the act the General Board on 8th November 2008. And the continuation with cleaning company Hervas.

Speaking in representation of Limpiezas Hervas; about the letter of ending the contract sent by the community , and denies each of its points.

-Stating favorably of the good quality of their services with a statement signed by neighbours, that a correct service was provided.

-and the same that the garages were clean

-Mrs.Hervas also commented that no other personnel were used, apart from personnel contracted by her.

-In respect of responsibilities and obligations with her employees, said all were on contract at all time and responsible obligations social and fiscal .

-also commented hours worked were complied with as stated in the contract and denies using working hours to comment to neighbours for proof of quality.

- Lastly, Explains the importance of a neighbour being in charge of cleaning in the community, and why they worry more than another company.

The administration speaks: manifests that they had requested Limpiezas Hervas relative documentation of the workers, and only received copy of hers, also comments that apart from proof of quality the board of directors had received many complaints from owners in respect of the cleaning, but quality is a subjective character, the board at no moment had alleged it as a cause for the break in contract. The president with the administration had meet with Mrs. Dominguez on various occasions explaining existing complaints and not complying with working hours, her and her employees.

The administration informs the lawyer of Antonia Dominguez, Mrs Cristina Lopez Rojas had sent various letters requesting economic compensation for the break in contract and urging representation of other neighbours.

When asked the company representative for the social security papers of all employees that had served on the community, as she had more than 30 in her company in Madrid, Seville and Malaga, only 7 TC appeared and not 30, and maintained that all employees were on the books, and acknowledges that only one was registered for 3 hours due to personal reasons, when the contract states 4 hours per cleaner. The administration asked again the company about Sandra Morales, who gave service during part of December and January, for Mrs. Dominguez, who once again commented that all employees where with contract and insured, nevertheless a document is shown that the cleaner from December and January worked as a personal favor 2 hours a day without contract or insurance by Limpiezas Hervas. The board of directors like many present manifest knowing this lady representing the company, but don't know her signature. In respect of services given by personnel of another company, is shown a document in an employee from the company Jaradluz SL in charge of maintenance and gardening but manifests having been contracted to clean the garages during a period of time and apart from not paying what was promised saying the garages were not clean enough, word was taken back but proceeded to slander the community .

The board manifests that apart from not attending the clauses of the contracts, and obligations with workers, and the actual company did not like cleaning garages.

Mr Rene Van Venrooy speaks: And advises that in his country the responsibility of not contracting and not insuring employees is very serious and in his opinion here in Spain as well. And administration have a reason.

Mr Huijen (Max) commented that it was reasonable that Limpieza Hervas had denounced against the community seeing that they had contracted a new cleaning company. The administration explained that from the 27th of February until the 27th of March they tried to solution amicably said problem with diverse meetings maintained with both workers and representative of Limpieza Hervas Antonia Dominguez (Toni) and her lawyer and including a member of the board >Rene Ven Venrooy offered to travel from Holland to negotiate. During this period the committee only received threats and claims through legal channels with out any possibility of coming to an agreement. For the other part the community went 1 month without cleaning before appointing another cleaning company with the same conditions as the previous company.

Nevertheless Sra. Hervas withdraw what she demanded to the community, as the demand is now presented, but to do this requests to complete the remaining part of the contract, and the board decides after whether to continue. She explained this will be done when the current contract expires. Various owners comment on the proposal and have no confidence due to the performance to date with Limpiezas Hervas SL. Go to vote:

The offer is rejected 21 votes in favor 74 votes against 5 abstain

9. VARIOUS, QUESTIONS AND ANSWERS Base Article 16.2 LPH Petition of owners: Next meeting September 2009.

The board of directors propose to take advantage of the holidays for owners who live in foreign countries to hold an Extraordinary meeting on Saturday 29th of August, and to include points of community rules analysis of accounts and study of accounts. The point is approved.

Various Questions and Answers.

Mr Polo wishes to make it known of the uneasiness within the complex with regards to the children and ball games, apart from it being annoying the balls damage the esthetics of the gardens, the board has taken note and this point will considered in the internal rules.

Mr. Javier Castro speaks: and requests actual text as a form of approaching between neighbours and the board of directors.

Once the results of this meeting are seen we should ask ourselves if it is reasonable that a whim or assumption of some neighbours, turning a deaf ear to the explanations of the board of directors and administration, but insist on an insane general meeting, at cost of 1200€ from funds of the community, with an end of no achieving nothing.

You should ask yourselves: Do you believe you should cover the costs generated? the neighbours feel they have been lied to by the "worried neighbours" and the promoters of the signatures. At the end we will all have to pay it, but many don't think it just. Knowing signatures acquired, have been used for other uses, these "worried neighbours" should at least apologize to the neighbours they have lied to and also falsely accused.

This experience will surely be of value for the future, after all this we know each other better and in who we can confide and who dose not deserve our confidence.

The administrator will make a small summary of new developments and proceedings which are open with the community and will be explained in the acts in more details.

End of session 15.40.